

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JULY 1, 2014

AMENDED IN ASSEMBLY JUNE 10, 2014

AMENDED IN SENATE APRIL 30, 2014

SENATE BILL

No. 1143

Introduced by Senator Liu

February 20, 2014

An act to amend Sections 51749.5 and 51749.6 of the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 1143, as amended, Liu. Pupil instruction: independent study.

Existing law, notwithstanding any other law, and commencing with the 2015–16 school year, authorizes a school district, charter school, or county office of education to provide independent study courses for pupils enrolled in kindergarten and grades 1 to 12, inclusive, in accordance with prescribed conditions. *Existing law provides for the computation of the average daily attendance for pupils enrolled in courses offered pursuant to these provisions.* Existing law requires the Superintendent of Public Instruction to conduct an evaluation, as provided, of independent study courses offered pursuant to these provisions and to report the findings to the Legislature and the Director of Finance no later than September 1, 2019.

This bill would revise the computation of the average daily attendance for those independent study courses by providing that if more than 10% of the total average daily attendance of a school district, charter school, or county office of education is claimed pursuant to those courses, then the average daily attendance for pupils enrolled in the courses that is

in excess of 10% of the school district's, charter school's, or county office of education's total average daily attendance shall be reduced, as specified. The bill would delay the report date to no later than September 15, 2019. The bill also would make nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51749.5 of the Education Code is
2 amended to read:

3 51749.5. (a) Notwithstanding any other law, and commencing
4 with the 2015–16 school year, a school district, charter school, or
5 county office of education may, for pupils enrolled in kindergarten
6 and grades 1 to 12, inclusive, provide independent study courses
7 pursuant to the following conditions:

8 (1) The governing board or body of a participating school
9 district, charter school, or county office of education adopts
10 policies, at a public meeting, that comply with the requirements
11 of this section and any applicable regulations adopted by the state
12 board.

13 (2) A signed learning agreement is completed and on file
14 pursuant to Section 51749.6.

15 (3) Courses are taught under the general supervision of
16 certificated employees who hold the appropriate subject matter
17 credential pursuant to Section 44300 or 44865, or subdivision (I)
18 of Section 47605, meet the requirements for highly qualified
19 teachers pursuant to the federal No Child Left Behind Act of 2001
20 (20 U.S.C. Sec. 6301 et seq.), and are employed by the school
21 district, charter school, or county office of education at which the
22 pupil is enrolled, or by a school district, charter school, or county
23 office of education that has a memorandum of understanding to
24 provide the instruction in coordination with the school district,
25 charter school, or county office of education at which the pupil is
26 enrolled.

27 (4) (A) Courses are annually certified, by school district, charter
28 school, or county office of education governing board or body
29 resolution, to be of the same rigor and educational quality as
30 equivalent classroom-based courses, and shall be aligned to all
31 relevant local and state content standards.

1 (B) This certification shall, at a minimum, include the duration,
2 number of equivalent daily instructional minutes for each schoolday
3 that a pupil is enrolled, number of equivalent total instructional
4 minutes, and number of course credits for each course. This
5 information shall be consistent with that of equivalent
6 classroom-based courses.

7 (5) Pupils enrolled in courses authorized by this section shall
8 meet the applicable age requirements established pursuant to
9 Sections 46300.1, 46300.4, 47612, and 47612.1.

10 (6) Pupils enrolled in courses authorized by this section shall
11 meet the applicable residency and enrollment requirements
12 established pursuant to Sections 46300.2, 47612, 48204, and
13 51747.3.

14 (7) (A) Certificated employees and each pupil shall communicate
15 in person, by telephone, or by any other live visual or audio
16 connection no less than twice per calendar month to assess whether
17 each pupil is making satisfactory educational progress.

18 (B) For purposes of this section, satisfactory educational
19 progress includes, but is not limited to, applicable statewide
20 accountability measures and the completion of assignments,
21 examinations, or other indicators that evidence that the pupil is
22 working on assignments, learning required concepts, and
23 progressing toward successful completion of the course, as
24 determined by certificated employees providing instruction.

25 (C) If satisfactory educational progress is not being made,
26 certificated employees providing instruction shall notify the pupil
27 and, if the pupil is less than 18 years of age, the pupil's parent or
28 legal guardian, and conduct an evaluation to determine whether it
29 is in the best interest of the pupil to remain in the course or whether
30 he or she should be referred to an alternative program, which may
31 include, but is not limited to, a regular school program. A written
32 record of the findings of an evaluation made pursuant to this
33 subdivision shall be treated as a mandatory interim pupil record.
34 The record shall be maintained for a period of three years from
35 the date of the evaluation and, if the pupil transfers to another
36 California public school, the record shall be forwarded to that
37 school.

38 (D) Written or computer-based evidence of satisfactory
39 educational progress, as defined in subparagraph (B), shall be
40 retained for each course and pupil. At a minimum, this evidence

1 shall include a grade book or summary document that, for each
2 course, lists all assignments, examinations, and associated grades.

3 (8) A proctor shall administer examinations.

4 (9) (A) Statewide testing results for pupils enrolled in any course
5 authorized pursuant to this section shall be reported and assigned
6 to the school or charter school at which the pupil is enrolled, and
7 to any school district, charter school, or county office of education
8 within which that school's or charter school's testing results are
9 aggregated.

10 (B) Statewide testing results for pupils enrolled in a course or
11 courses pursuant to this section shall be disaggregated for purposes
12 of comparing the testing results of those pupils to the testing results
13 of pupils enrolled in classroom-based courses.

14 (10) A pupil shall not be required to enroll in courses authorized
15 by this section.

16 (11) The pupil-to-certificated-employee ratio limitations
17 established pursuant to Section 51745.6 are applicable to courses
18 authorized by this section.

19 (12) For each pupil, the combined equivalent daily instructional
20 minutes for enrolled courses authorized by this section and enrolled
21 courses authorized by all other laws and regulations shall meet the
22 minimum instructional day requirements applicable to the local
23 educational agency. Pupils enrolled in courses authorized by this
24 section shall be offered the minimum annual total equivalent
25 instructional minutes pursuant to Sections 46200 to 46208,
26 inclusive, and Section 47612.5.

27 (13) Courses required for high school graduation or for
28 admission to the University of California or California State
29 University shall not be offered exclusively through independent
30 study.

31 (14) A pupil participating in independent study shall not be
32 assessed a fee prohibited by Section 49011.

33 (15) A pupil shall not be prohibited from participating in
34 independent study solely on the basis that he or she does not have
35 the materials, equipment, or Internet access that are necessary to
36 participate in the independent study course.

37 (b) For purposes of computing average daily attendance for
38 each pupil enrolled in one or more courses authorized by this
39 section, the following computations shall apply:

1 (1) (A) For each schoolday, add the combined equivalent daily
2 instructional minutes, as certified in paragraph (4) of subdivision
3 (a), for courses authorized by this section in which the pupil is
4 enrolled.

5 (B) For each schoolday, add the combined daily instructional
6 minutes of courses authorized by all other laws and regulations in
7 which the pupil is enrolled and for which the pupil meets applicable
8 attendance requirements.

9 (C) For each schoolday, add the sum of subparagraphs (A) and
10 (B).

11 (2) If subparagraph (C) of paragraph (1) meets applicable
12 minimum schoolday requirements for each schoolday, and all other
13 requirements in this section have been met, credit each schoolday
14 that the pupil is demonstrating satisfactory educational progress
15 pursuant to the requirements of this section, with up to one school
16 day of attendance.

17 (3) (A) Using credited schoolday attendance pursuant to
18 paragraph (2), calculate average daily attendance pursuant to
19 Section 41601 or 47612, whichever is applicable, for each pupil.

20 (B) The average daily attendance computed pursuant to this
21 subdivision shall not result in more than one unit of average daily
22 attendance per pupil.

23 (4) Notwithstanding any other law, average daily attendance
24 computed for pupils enrolled in courses authorized by this section
25 shall not be credited with average daily attendance other than what
26 is specified in this section.

27 (5) *If more than 10 percent of the total average daily attendance*
28 *of a school district, charter school, or county office of education*
29 *is claimed pursuant to this section, then the amount of average*
30 *daily attendance for all pupils enrolled by that school district,*
31 *charter school, or county office of education in courses authorized*
32 *pursuant to this section that is in excess of 10 percent of the total*
33 *average daily attendance for the school district, charter school,*
34 *or county office of education shall be reduced by either (A) the*
35 *statewide average rate of absence for elementary school districts*
36 *for kindergarten and grades 1 to 8, inclusive, or (B) the statewide*
37 *average rate of absence for high school districts for grades 9 to*
38 *12, inclusive, as applicable, as calculated by the department for*
39 *the prior fiscal year, with the resultant figures and ranges rounded*
40 *to the nearest 10th.*

(c) For purposes of this section, “equivalent total instructional minutes” means the same number of minutes as required for an equivalent classroom-based course.

(d) Nothing in this section shall be deemed to prohibit the right to collectively bargain any subject within the scope of representation pursuant to Section 3543.2 of the Government Code.

~~(d)~~

(e) (1) The Superintendent shall conduct an evaluation of independent study courses offered pursuant to this section and report the findings to the Legislature and the Director of Finance no later than September 15, 2019. The report shall, at a minimum, compare the academic performance of pupils in independent study with demographically similar pupils enrolled in equivalent classroom-based courses.

(2) The requirement for submitting a report imposed under paragraph (1) is inoperative on September 15, 2023, pursuant to Section 10231.5 of the Government Code.

(3) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 2. Section 51749.6 of the Education Code is amended to read:

51749.6. (a) Before enrolling a pupil in a course authorized by Section 51749.5, each school district, charter school, or county office of education shall provide the pupil and, if the pupil is less than 18 years of age, the pupil’s parent or legal guardian, with a written learning agreement that includes all of the following:

(1) A summary of the policies and procedures adopted by the governing board or body of the school district, charter school, or county office of education pursuant to Section 51749.5.

(2) The duration of the enrolled course or courses, the duration of the learning agreement, and the number of course credits for each enrolled course consistent with the certifications adopted by the governing board or body of the school district, charter school, or county office of education pursuant to Section 51749.5. The duration of a learning agreement shall not exceed a school year or span multiple school years.

(3) The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a pupil evaluation is

1 required to determine whether the pupil should remain in the course
2 or be referred to an alternative program, which may include, but
3 is not limited to, a regular school program.

4 (4) The specific resources, including materials and personnel,
5 that will be made available to the pupil.

6 (5) A statement that the pupil is not required to enroll in courses
7 authorized pursuant to Section 51749.5.

8 (b) (1) The learning agreement shall be signed by the pupil and,
9 if the pupil is less than 18 years of age, the pupil's parent or legal
10 guardian, and all certificated employees providing instruction
11 before instruction may commence.

12 (2) The signed learning agreement constitutes permission from
13 a pupil's parent or legal guardian, if the pupil is less than 18 years
14 of age, for the pupil to receive instruction through independent
15 study.

16 (3) A physical or electronic copy of the signed learning
17 agreement shall be retained by the school district, county office
18 of education, or charter school for at least three years and as
19 appropriate for auditing purposes.

20 (4) For purposes of this section, an electronic copy includes a
21 computer or electronic stored image of an original document,
22 including, but not limited to, portable document format, JPEG, or
23 other digital image file type, that may be sent via fax machine,
24 email, or other electronic means.